

Serial No. 10/724,766
Amdt. dated April 4, 2005
Reply to Office Action of January 10, 2005

Docket No. HSI-003

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-7 are currently pending in this application. By the present amendment, claim 1 has been narrowed by cancellation of the heteroaromatic substituents in response to the rejection under 35 U.S.C. 112, first paragraph. By the present amendment, claim 3 has been amended to correct a typographical error noted by the examiner and to specify the structure of the precursor compound produced in step 1) in response to the rejection under 35 U.S.C. 112, second paragraph. Accordingly, no new matter has been introduced by any of these amendments.

II. Objection to Claim 3

The examiner has objected to claim 3 because of an apparent typographical error. As requested by the examiner, this error has been corrected by the above amendments. Withdrawal of the outstanding objection is therefore respectfully requested.

III. Rejection of Claims 1-7 under 35 U.S.C. 112

A. First Paragraph

The examiner has rejected claim 1 of the application under 35 U.S.C. 112, first paragraph as allegedly lacking enablement and failing to satisfy the written description requirement. In

Serial No. 10/724,766
Amdt. dated April 4, 2005
Reply to Office Action of January 10, 2005

Docket No. HSI-003

support of this rejection, the examiner has alleged that the specification does not describe or enable heterocyclic aromatic groups as substituents on the compounds of formula (I).

While not acceding to the examiner's characterization of the specification and claims, solely in an effort to expedite allowance of the present application, Applicants have amended claim 1 to remove heterocyclic aromatic groups as possible substituents on the compounds of formula (I). Accordingly, the outstanding rejection has been obviated and withdrawal thereof is therefore respectfully requested. Applicants expressly reserve the right to pursue compounds having heterocyclic aromatic groups as substituents in one or more continuing applications.

B. Second Paragraph

The examiner has rejected claim 3 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The examiner has noted, however, that the outstanding rejection can be overcome by including the precursor in claim 3.

Accordingly, by the above amendments, Applicants have amended claim 3 to specify the structure of the precursor compound. Withdrawal of the outstanding rejection is therefore respectfully requested.

Serial No. 10/724,766

Docket No. HSI-003

Amtd. dated April 4, 2005

Reply to Office Action of January 10, 2005

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Donald R. McPhail, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Donald R. McPhail
Registration No. 35,811

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701
DYK\DRM:mrh

Date: April 4, 2005

Please direct all correspondence to Customer Number 34610